

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN PAUL THOMAS,

Petitioner,

v.

No. CV 09-0174 RB/LAM

JAMES JANECKA, WARDEN,

Respondent.

**ORDER DENYING AS MOOT RESPONDENT[’S] MOTION FOR AN
EXTENSION OF TIME TO FILE AN ANSWER OR STATUS REPORT (Doc. 14)**

THIS MATTER is before the Court on *Respondent[’s] Motion for an Extension of Time to File an Answer or Status Report (Doc. 14)*, filed on May 19, 2009. Having reviewed the motion, Petitioner’s response to the motion (*Doc. 17*), the record of this case and relevant law, the Court has determined that the motion should be **DENIED** as moot.

In his motion, Respondent asks the Court for an extension of time to file an answer or status report in response to Petitioner’s original *Petition for Writ of Habeas Corpus (Doc. 1)*, filed on February 19, 2009. On May 20, 2009, with leave of the Court, Petitioner filed an amended petition for writ of habeas corpus (*Doc. 16*). On May 29, 2009, the presiding judge in this case entered an *Order (Doc. 19)* dismissing all of the claims in Petitioner’s amended petition, except his claim for restoration of good time credits, and directing Respondent to answer the amended petition on or before July 1, 2009. Because Plaintiff has filed an amended petition for habeas relief, which Respondent has been ordered to answer, the relief requested in *Respondent[’s] Motion for an Extension of Time to File an Answer or Status Report (Doc. 14)*, which relates to Petitioner’s

original *Petition for Writ of Habeas Corpus* (Doc. 1), is moot and the motion should, therefore, be **DENIED** as moot.

IT IS THEREFORE ORDERED that *Respondent[s] Motion for an Extension of Time to File an Answer or Status Report* (Doc. 14) is **DENIED** as moot.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE